MRS

Notice of Allowability	Application No.	Applicant(s)		
	10/732,709	GILLINGHAM ET A	GILLINGHAM ET AL.	
	Examiner	Art Unit		
	Jason M. Greene	1724		
	<u> </u>		l	
The MAILING DATE of this communication appeal All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED i or other appropriate comm IGHTS. This application is	n this application. If not include unication will be mailed in due	ed course. THIS	
1. \boxtimes This communication is responsive to <u>Applicants' reply filed</u>	14 October 2004.			
2. The allowed claim(s) is/are <u>1-99</u> .				
3. \boxtimes The drawings filed on <u>10 December 2003</u> are accepted by	the Examiner.			
4. ☐ Acknowledgment is made of a claim for foreign priority ur a) ☐ All b) ☐ Some* c) ☐ None of the:		or (f).		
1. Certified copies of the priority documents have				
2. Certified copies of the priority documents have	• • • • • • • • • • • • • • • • • • • •			
3. Copies of the certified copies of the priority doc	cuments have been receive	d in this national stage applica	tion from the	
International Bureau (PCT Rule 17.2(a)).		5 - 8-1		
* Certified copies not received:				
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file IENT of this application.	e a reply complying with the red	quirements	
5. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give	itted. Note the attached EX es reason(s) why the oath o	AMINER'S AMENDMENT or N r declaration is deficient.	OTICE OF	
6. CORRECTED DRAWINGS (as "replacement sheets") mus	t be submitted.			
(a) I including changes required by the Notice of Draftspers		w (PTO-948) attached		
1) hereto or 2) to Paper No./Mail Date		, , , , , , , , , , , , , , , , , , , ,		
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date		r in the Office action of		
Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the	.84(c)) should be written on t he header according to 37 CF	he drawings in the front (not the FR 1.121(d).	back) of	
 DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT I 	SIT OF BIOLOGICAL MAT FOR THE DEPOSIT OF BIO	ERIAL must be submitted. N DLOGICAL MATERIAL.	lote the	
Attachment(s)				
1. Notice of References Cited (PTO-892)	5. Notice of In	formal Patent Application (PTC)-152)	
2. Notice of Draftperson's Patent Drawing Review (PTO-948)		ummary (PTO-413), ′Mail Date		
3. Information Disclosure Statements (PTO-1449 or PTO/SB/0	8), 7. ⊠ Examiner's —	Amendment/Comment		
4. Examiner's Comment Regarding Requirement for Deposit		Statement of Reasons for Allo	wance	
of Biological Material	9. 🗌 Other	_·		

Art Unit: 1724

DETAILED ACTION

Response to Amendment

Response to Arguments

1. Applicant's arguments, see page 20, lines 6-13, filed 14 October 2004, with respect to the provisional obviousness type double patenting rejection of claims 1-99 have been fully considered and are persuasive. The obviousness type double patenting rejection of claims 1-99 of have has been withdrawn since the '169 application has been abandoned.

Allowable Subject Matter

2. Claims 1-99 are allowed.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Art Unit: 1724

4. The application has been amended as follows:

In the second line of the paragraph beginning at page 1, line 15, insert the phrase --now abandoned-- between the phrase "2001," and the phrase "which application"

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571) 272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Page 4

Art Unit: 1724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M. Greene

Examiner

Art Unit 1724

jmg

November 23, 2004

DUANE SMITH PRIMARY EXAMINER

11-23-04